

**TO:** JAMES L. APP, CITY MANAGER  
**FROM:** DITAS ESPERANZA, CITY ENGINEER  
**SUBJECT:** REQUEST TO REMOVE OAK TREE  
**DATE:** DECEMBER 21, 1999

**Needs:** For the City Council to consider a request to remove an oak tree.

- Facts:**
1. The City has received a request from Peter Winslow to remove an 8-inch diameter oak tree located on Lot 27 of Tract 1771.
  2. This request was brought to the City Council at their meeting on November 16, 1999. At the meeting, the City Council denied Mr. Winslow's request and directed him to work with his architect to develop a house plan to preserve the oak tree.
  3. Mr. Winslow has submitted the attached plot plan which illustrates how he wants to orient his house within his lot which would require that the oak tree be removed.
  4. According to the developer, potential buyers of Tract 1771 are provided with copies of the Covenants, Conditions, and Restrictions (CC&R's) for the tract. This document is part of the package that is provided by the escrow company. Page 6 of this document does give notice to the buyers that oak trees are to be preserved in accordance to the City's Ordinance (see attached).

**Analysis and**

**Conclusion:** Staff met with the applicant and assisted him in developing a house plan to save the oak tree. Options investigated were:

- 1) Construct a 2-story house to arrive at the desired area of a house;
- 2) Construct a side-loaded garage so that the front yard setback can be reduced to 15 feet instead of 27 feet.
- 3) Utilize stem wall construction rather than flat foundation.

It was concluded that although a house plan could be developed to save the oak tree, it is not the kind of house that Mr. Winslow wants to construct.

**Policy**

**Reference:** Resolution Approving Tentative Tract 1771  
Oak Tree Ordinance  
Covenants, conditions and restrictions for Tract 1771.

**Fiscal**

**Impact:** None

- Options:**
- A. That the City Council direct the applicant to save the oak tree.
  - B. That the City Council amend, modify or reject the above option.

Attachments: (4)

- 1) Letter from Peter Winslow
- 2) Site Plan
- 3) Excerpts from CC&R's

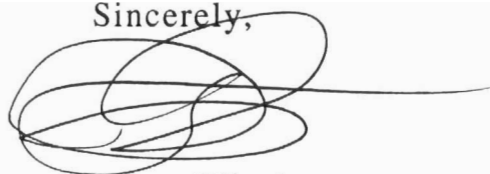


Ditas Esperanza  
City of El Paso de Robles  
Paso Robles, Ca. 93446

As directed by you at the staff meeting on Nov. 22, 1999, my wife and I feel that we have exhausted all suitable measures both monetarily and architecturally to satisfy the decision of the city council.

I am requesting that I be put on the agenda for the December 21st, 1999 city council meeting to present our facts.

Sincerely,

A handwritten signature in black ink, appearing to be "Peter Winslow", written over a light gray rectangular background. The signature is somewhat scribbled and includes a long horizontal line extending to the right.

Peter Winslow

**RECEIVED**

**DEC 03 1999**

**DEPT. OF PUBLIC WORKS**

Recording Requested By:

FIRST AMERICAN TITLE INSURANCE CO.

When Recorded Return To:

William S. Walter, Esq.  
MILLER & WALTER  
679 Monterey Street  
San Luis Obispo, CA 93405

**OAKRIDGE ESTATES**

**TRACT 1771**

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

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OAKRIDGE ESTATES  
TRACT 1771  
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Declaration provided that the Owner has received reasonable prior notice (not required where lot is vacant or in case of an emergency);

2.8.2 The easements described in this Article II;

2.8.3 The rights of the Declarant during the construction period as described in Section 5.8;

2.9 Partition of Lots: There shall be no subdivision or partition of any of the lots, nor shall any Owner seek any partition or subdivision thereof, nor shall any lots be combined for subsequent resubdivision.

\* 2.10 Preservation of Oak Trees: The owner of each Lot shall be responsible for the care and preservation of oak trees in accordance with City Ordinance 553 N.S., a copy of which is attached as Exhibit "B" hereto. \*

### ARTICLE III

#### ARCHITECTURAL CONTROL

3.1 The Architectural Control Committee: An Architectural Control Committee (the "ACC" or "Committee") shall be established. The Committee shall have three (3) members. Declarant shall appoint all of the original members of the Committee and may appoint all replacements until the third anniversary of the issuance of the original Final Subdivision Public Report by the California Department of Real Estate, and thereafter may appoint a majority of the members until the happening of whichever of the following is first in time: (i) when ninety percent (90%) of the residences permitted within the Project Area have been completed and sales thereof have closed to Individual Owners, or (ii) on the fifth anniversary of the date of original issuance by the California Department of Real Estate of a Final Subdivision Public Report covering Development, or (iii) upon recordation by Declarant in the office of the County Recorder of said County of an instrument relinquishing its right of appointment. All persons appointed by the Declarant shall be subject to removal by Declarant at any time with or without cause. Except as provided above, all members of the ACC shall be elected by a majority of the Owners of lots other than Declarant, using a system of cumulative voting with one vote per lot per opening on the Committee. In the event that Declarant shall fail to fill a vacancy within 60 days, the majority of the Owners may do so. Any written notice of appointment, election or removal executed by Declarant, or a committee of the majority of the Owners may be filed with the County Recorder and such recordation shall impart notice to all persons of the matters set forth therein.

TREE PROTECTION & PRESERVATION REPORT

for

Lot #27 - Tract 1771

740 Oxen Court  
Paso Robles, California

Prepared for:

Pete & Janet Winslow  
921 Inverness Drive  
Paso Robles, California

Prepared by

Jack Brazeal  
Jack Brazeal's Tree Consulting  
4531 Skipjack Lane  
Paso Robles, California

December 6, 1999

## SUMMARY

The purpose and intent of this report is to provide information to the city staff and the City Council for the proposed removal of one, 11 inch diameter blue oak tree from lot #27, tract #1771.

Seven trees are existing on this site and 6 of the 7 are to be retained and protected. The estimated value of the 11 inch diameter blue oak proposed for removal is approximately \$1,000.00. To relocate this tree and provide proper maintenance until established would cost approximately \$10,000.00 or more. The two, 24 inch box trees required for replacement will cost (to plant) approximately \$1,000.00

The two replacement trees will contribute twice as much to the environment in five years as would the existing blue oak tree proposed for removal.



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#### ASSIGNMENT

1. Prepare a tree protection plan report for Lot #27, Tract #1771, Paso Robles, California.
2. Prepare a tree appraisal report for Tree #1.
3. Prepare a feasibility report for the relocation (transplant) of tree #1
4. Prepare an assessment report on the environmental contribution of tree #1 versus the required replacement of two, 24" box California Coast Live Oak trees.

#### PURPOSE OF REPORT

City of Paso Robles Native Tree Protection Ordinance #553, Chapter 10.01 - Oak Tree Preservation.

#### LIMITS OF ASSIGNMENT

Any changes to this original report will be changed by addendum and may be subject to additional charges.

### OBSERVATIONS

Lot #27 is a rectangular shaped lot which is approximately 100 feet wide and 235 feet deep. The topography of this lot is elevation 831.4 at the street and slopes downward toward the back of the lot to an elevation of 804 or a difference of approximately 27 feet. A large drainage swale is located on the west side of the lot.

Several trees are existing on this site and are primarily located in the middle and back portion of the property. The existing trees are blue oak (Quercus douglasii) trees and are indigenous to this area. All the trees located on this site are in fair to good health condition.

### TREE INVENTORY

1. 11" diameter blue oak tree. Condition of this tree is good. Proposed for removal
2. 13" diameter blue oak tree. Condition of this tree is good. To be retained. This tree will be impacted by the proposed fill for the house pad.

Mitigation: Install a retaining wall at the dripline on the north side (construction side) of this tree. Excavation for the retainer wall footings are to be dug by hand to avoid damage to the existing root system. All roots encountered during excavation are to be cut by hand.

3. 14" diameter double stem blue oak tree. The condition of this tree is rated as fair to good and is to be retained.

Mitigation: Install a retaining wall at the dripline on the north side (construction side) of this tree. Excavation for the retainer wall footings are to be dug by hand to avoid damage to the existing root system. All roots encountered during excavation are to be cut by hand.

4. 31" diameter blue oak tree. Condition is rated as excellent and will be retained. This tree is not impacted by this project.
5. 15" diameter blue oak tree. To be retained. Condition is rated as fair. Not impacted.
6. 7", 6", 5" diameters triple trunk blue oak tree. To be retained. Condition of this tree is rated as fair. Not impacted.
7. 6" diameter blue oak tree. To be retained. Condition is rated as fair

### DISCUSSION

Considering the topography of this lot, the drainage swale and the tree locations makes this site somewhat difficult to develop. A significant amount of fill dirt will be added to this site to maintain the required elevation for the proposed finish floor. This fill will have an impact on the existing trees #2 and #3. The retainer wall proposed will hold this fill an acceptable distance from the impacted tree trunks and prevent the root system of these two trees from being damaged. The remainder of the trees on this site, with the exception of tree #1 (proposed to be removed), are located in the undisturbed area of this lot and should suffer no consequence as a result of development.

### CONCLUSION

Due to the topography and the existing tree locations this lot is somewhat difficult to develop.

2. The removal of tree #1 will significantly reduce the difficulty of developing this site.
3. Trees #2 through #7 will suffer no detriment as a result of this proposed plan

### RECOMMENDATIONS

1. Follow the guidelines of this report and the guidelines of the City of El Paso de Robles Oak Tree Preservation Ordinance #553, Chapter 10.01.
2. Replace tree #1 with two, 24" box California coast live oak (*Quercus agrifolia*) trees as required by Ordinance #553, Chapter 10.01, Section "D", "Removal of Oak Tree - Application Process," Subsection (e).

APPENDIX I

OAK TREE APPRAISAL #1

(Value of Oak Tree in Relationship to Property Value)

Source: Guide for Plant Appraisal/Official Publication of the  
International Society of Arboriculture, Eighth Edition, 1992

Chapter #13, page #70  
"Appraised Tree Values Should be Reasonable"

Quote: "Studies have shown that trees may add 7 to 15 percent to the value  
of a house and lot."

Value of Property, Lot #27, Tract #1771 - \$49,500.00

$\$49,500.00 \times 15\% = \$7,425.00$ , existing tree values;

7 existing oak trees = a combined diameter of 108 inches.

$\$7,425.00$  divided by 108" of total tree diameters = \$68.75 value per inch in diameter

$\$68.75 \times 11"$  diameter blue oak = \$756.25 value.

TRUNK FORMULA METHOD FORM FOR NORTHERN CALIFORNIA, 1992  
 Established by the International Society of Arboriculture, 1992  
 Trees LESS Than 30" Diameter

6

Appraised Value = Basic Value X Condition X Location

Basic Value = Replacement Cost + (Basic Price X [TAA - TAR] X Species)

SPECIES: QUERCUS douglasii TREE#: 1 DBH 11" GROUP 2

1. Replacement Cost: = \$1805

Cost of largest commonly available transplantable tree, as installed in an average location, (as established for Northern California, by the Western Chapter). If the appraised tree is in a location which will make installation of a replacement especially difficult or expensive, you should increase this line to account for costs above the average.

2. Replacement tree Basic (per square inch) Price \$ 56.<sup>50</sup> per inch<sup>2</sup>  
(from Table 11-1992)

3. Determine difference in trunk areas

If da = 30" or less, determine TAA

A. TAA = (0.785d<sup>2</sup>) = 95.00 in<sup>2</sup>

B. Replacement tree TAR = 9.62 in<sup>2</sup>  
(refer to table 11-1992)

C. Subtract TAR from TAA (3A-3B) = 85.38 in<sup>2</sup>

4. Multiply Basic Price by area differences \$ 56.<sup>50</sup> per in<sup>2</sup> X 85.38 in<sup>2</sup> = \$ 4832.<sup>90</sup>  
(2) (3C)

5. Adjust step 4 by Species rating 20 % = \$ 3326.<sup>72</sup>

6. Basic Value = \$1,805 (line 1) + \$ 3326.<sup>72</sup> (line 5) = \$ 5181.<sup>72</sup>

7. Adjust Line 6 by Condition 80 % = \$ 4145.<sup>41</sup>

8. Adjust for Location:

Location = (Site + Contribution + Placement) - 3 =

50 % + 10 % + 15 % = 75 - 3 = 25 %

Adjust Line 7 by Location = \$ 1036.<sup>33</sup>

9. Appraised Value = Round Line 8 to nearest \$100 = \$ 1000.<sup>00</sup>

10. For Partial Loss: \_\_\_\_\_ % of loss X #9 = \$ value of loss = \$ \_\_\_\_\_

11. Removal/Reconstruction Cost, if appropriate = \$ \_\_\_\_\_

TOTAL = \$ 1000.<sup>00</sup>

Prepared for: PETER WINSLOW  
 Address: 921 INVERNESS DR. - PASO ROBLES, CA.  
 Date: DEC 06, 1999 Job #: 0  
 Failure Date: A

## APPENDIX II

### (Feasibility of Relocating Tree #1)

Plant species vary in transplantability; (the ability to generate a new root system and establish quickly at the new site). Large trees are usually more difficult to move than small trees. Tap rooted trees such as the blue oak tree are often considered difficult to transplant. The fine roots (absorption roots) are very fragile and slow to generate new roots.

The procedure for successfully transplanting a difficult-to-transplant species is

- A. Sever the tap root at an early age to stimulate greater lateral root development
- B. Prune lateral roots for increased fine root (absorption roots) development in the root ball.
- C. Dig a root ball which exceeds minimum standards
- D. Prepare a favorable site to encourage new root growth
- D. Provide an extended period of maintenance (especially irrigation in dry weather) since these plants will be slow to establish.



ESTIMATE TO TRANSPLANT

Valley Crest Tree Company  
Specimen Contracting Division  
12087-40 Lopez Canyon Road (office)  
San Fernando, California 91342  
808/899-1100

Contact Person: Chris Fournier

Subject Tree:

11" diameter blue oak tree. Tree health is good. Estimated time to relocate:

Preparation Time: Minimum 90 days  
Warranty without post transplant maintenance (none).

NOTE: Valley Crest will not guarantee this tree unless they do the post transplant maintenance: 1 to 3 years. (Very expensive).

Estimate to Transplant without warranty: \$8,000.00 to \$12,000.00

Estimate to Transplant with warranty: \$8,000.00 to \$12,000.00 plus  
1 to 3 years maintenance fees.

### APPENDIX III

#### Contribution to the Environment (one, 11" diameter blue oak vs. two, 24" box live oaks)

##### **"Plants Have Value"**

Chapter 1, I.S.A. Guide for Plant Appraisal, 1992

Traditionally, the primary use of trees and other landscape plants has been thought to be their aesthetic qualities and beauty, whether they occur naturally or have been introduced. Such qualities are difficult to quantify, however, trees and other landscape plants have assets beyond their aesthetic value. Plants are living things that are engaged in the most profound creativity in the world. Because of their photosynthetic processes, plants are essential to all other organisms.

The public is well aware of the more obvious benefits of trees, such as beauty and shade. In a study of public attitudes, Schroeder and Appelt (1985) found that 99 percent of those surveyed declared trees to be an asset to the community.

Landscape plants are used in planting designs for three basic purposes: engineering, architectural and environmental functions. Engineering functions include reduction of traffic noise, light (glare and reflection) and soil erosion. Architectural functions define and articulate space, provide privacy, screen views and direct and influence spatial experience. Environmental functions include the carbon dioxide-oxygen exchange, as well as amelioration of air pollution and climate.

Other considerations such as timber value, fruit and nut protection, wildlife habitats and recreational activities may be relevant to certain cases.

Trees and other landscape plants enhance property values and increase city assets. There are many examples of how trees add to property value. To cite a few, a report in the *Journal of Forestry* indicated that on one, 7 acre tract of land, the total appraised value was \$302,000.00 (Peters, 1971). Of that valuation, shade trees contributed 19 percent or \$57,000.00 to the value.

APPENDIX III (cont'd)

**"Arboriculture"** by Richard Harris (Integrated Management of Landscape Trees, Shrubs and Vines), 2nd Edition, 1992, Chapter 10, "Transplanting Large Plants," Page #224.

Plant Quality

In a study conducted in Amherst, Massachusetts, the U.S. Forest Service selected a 12-acre tract of land and made a model mock-up of the area (Payne, 1973.) Photographs of the model, each showing varying numbers of trees, were shown to real estate appraisers who were asked to estimate the per-acre value of land. Results showed that open land was appraised at \$1,500.00 per acre in contrast to \$2,050.00 per acre for two-thirds wooded land. It was concluded, on the average, that trees contributed as much as 27 percent to the appraised land value.

PLANT QUALITY:

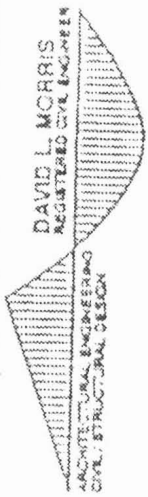
**Small plants transplant more successfully than do large ones of the same species.** Small plants adapt more quickly to unfavorable surroundings and come into balance with their environment (Vanstone and Ronald, 1981). When a 100-mm (4 inch) diameter tree (trunk measured 150-mm (6 inches) above the ground) is dug with a tree spade, only 2 percent of the root system is removed with the tree; that is, 98 percent stays in the ground (Watson and Himelick, 1982). Using a calculated rate of root growth, a transplanted tree with a 100-mm (4 inch) trunk diameter (measured 300-mm (12 inches) above the ground) will regain its original root volume in five years (Watson, 1985). A 250-mm (10 inch) tree will take 13 years. Unless wisely watered, a transplant will be subjected to severe stress and be more susceptible to insect and disease attacks until the original root volume size is regained (Schoeneweiss, 1982).

The cost and difficulty of moving increase rapidly with plant size. Large plants are often available for transplant when land use changes, roads are widened or built, or when plants become too large for their location. Many fine specimens can be obtained in these circumstances, though they may be difficult to dig because they are hemmed in by structures or other vegetation. Wherever large plants are obtained, their health and vigor are important to transplanting success.

APPENDIX III (cont'd)

CONCLUSION:

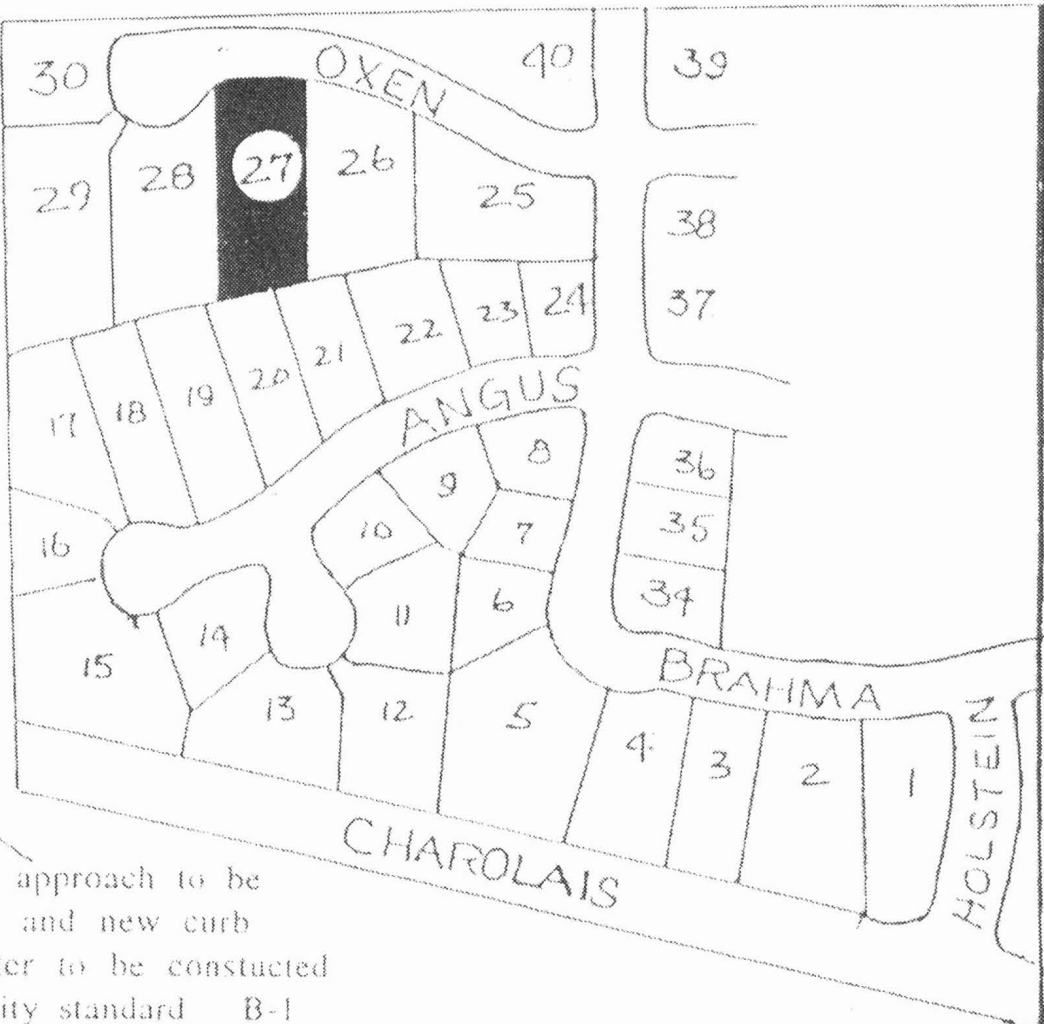
1. Two, 24" box California coast live oak trees will establish more quickly than a transplanted 11" diameter blue oak.
2. The 2, 24" box live oak trees will be located ideally on the site to contribute more positive attributes.
3. The 2, 24" box live oak trees will exceed the size (grow to be larger) than the 11" diameter blue oak in less than 5 years if the blue oak is retained in its present location.
4. Within a 5 year period, the two live oak trees will contribute twice as much to the environment than the one, 11" diameter blue oak.



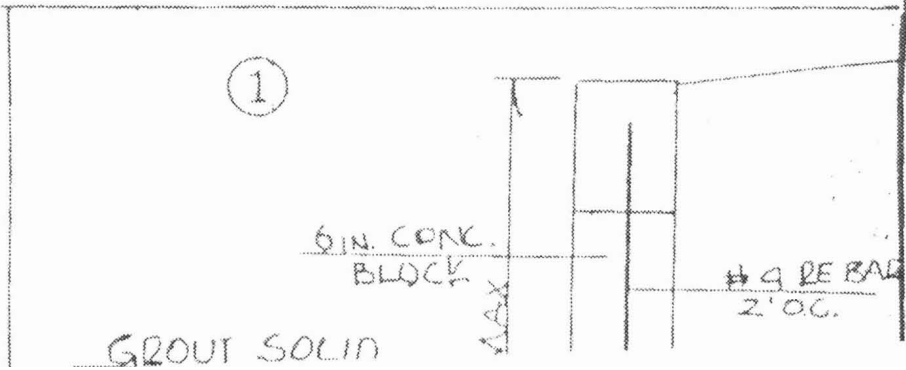
Existing curb and gutter to be removed and new approach constructed as per city standard B-12

VICINITY MAP

OXEN COURT



Existing approach to be removed and new curb and gutter to be constructed as per city standard B-1



BRAHMA TOTT A RT